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RELATING TO MUNICIPALITIES AND COUNTIES; AMENDING THE PUBLIC
IMPROVEMENT DISTRICT ACT TO REQUIRE THE GOVERNING BODY TO ACT
WITHIN NINETY DAYS AFTER RECEIVING A PETITION FOR CREATION OF A PUBLIC
IMPROVEMENT DISTRICT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 5-11-3 NMSA 1978 (being Laws 2001, Chapter 305,
Section 3) is amended to read:

"5-11-3. RESOLUTION DECLARING INTENTION TO FORM DISTRICT.--

A. If the public convenience and necessity require, and on
presentation of a petition signed by the owners of at least twenty-five percent of the
real property by assessed valuation proposed to be included in the district, the
governing body may adopt a resolution declaring its intention to form a public
improvement district to include contiguous or noncontiguous property, which shall be
wholly within the corporate boundaries of the municipality or county. If the governing
body fails to act within ninety days following presentation of a petition to create a
public improvement district, the petition shall be deemed to have been accepted by the
governing body, which shall adopt a resolution and hold a public hearing pursuant to
this section. The resolution shall state the following:

- (1) the area or areas to be included in the district;
- (2) the purposes for which the district is to be formed;
- (3) that a general plan for the district is on file with the clerk

that includes a map depicting the boundaries of the district and the real property
proposed to be included in the district, a general description of anticipated
improvements and their locations, general cost estimates, proposed financing methods
and anticipated tax levies, special levies or charges, and that may include possible
alternatives, modifications or substitutions concerning locations, improvements,
financing methods and other information provided in the general plan;

1 (4) the rate, method of apportionment and manner of collection
2 of a special levy, if one is proposed, in sufficient detail to enable each owner or
3 resident within the district to estimate the maximum amount of the proposed levy;

4 (5) a notice of public hearing in conformity with the
5 requirements of Section 5-11-4 NMSA 1978;

6 (6) the place where written objections to the formation of the
7 district may be filed by an owner;

8 (7) that formation of the district may result in the levy of
9 property taxes or the imposition of special levies to pay the costs of public
10 infrastructure constructed by the district and for their operation and maintenance and
11 may result in the assessment of fees or charges to pay the cost of providing enhanced
12 services;

13 (8) a reference to the Public Improvement District Act; and

14 (9) whether the district will be governed by a district board
15 comprised of the members of the governing body, ex officio, or comprised of five
16 directors initially appointed by the governing body.

17 B. The resolution may direct that, prior to holding a hearing on
18 formation of the district, a study of the feasibility and estimated costs of the
19 improvements, services, enhanced services and other benefits proposed to be
20 provided pursuant to the Public Improvement District Act be prepared by the
21 petitioners for consideration by the governing body at its hearing on formation of the
22 district. The study shall substantially comply with the requirements of Section 5-11-16
23 NMSA 1978. The district may require that the persons petitioning for formation of the
24 district deposit with the treasurer an amount equal to the estimated costs of
25 conducting the feasibility study and other estimated formation costs, to be reimbursed
if the district is formed and public improvements are financed pursuant to the Public
Improvement District Act.

C. The resolution shall direct that a hearing on formation of the district
be scheduled and that notice be mailed and published as provided in Section 5-11-4

1 NMSA 1978.

2 D. Before adopting a resolution pursuant to this section, a general
3 plan for the district shall be filed with the clerk."

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